THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION Nos.9108, 9196, 9232 and 10019 of 1996

DATE: 17-10-2005

WRIT PETITION No.9108 of 1996

Between:

Ch.Sanyasi Rao and others **.. Petitioners**

A n d

The District Collector, W.G. District, Eluru and others

.. Respondents

WRIT PETITION No.9196 of 1996

Between:

Devineni Baji Prasad **..Petitioner**

A n d

The District Collector, W.G.District, Eluru and others

..Respondents

WRIT PETITION No.9232 of 1996

Between:

Gantasala Subbarao and others **..Petitioners**

A n d

District Collector, W.G.District, Eluru and another

..Respondents

WRIT PETITION No.10019 of 1996

Between:

P. Gangayamma **..Petitioner**

A n d

The District Collector, W.G.District, Eluru and others

..Respondents

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COMMON ORAL ORDER:

Since common questions of fact and law arise in these petitions, they are being

disposed of by a common order.

2. In all these petitions, petitioners, who dug tanks in their fields for pisciculture, alleging interference by the revenue officials with those tanks, filed these petitions for a direction that their right to rear fish in the tanks dug by them in their fields for commercial purposes cannot be interfered with by the respondents.

3. No representation on behalf of the petitioners.

4. Heard the learned Assistant Government Pleader.

5. In all these cases, petitioners claim that they have dug tanks in their fields for raising and rearing fish for commercial purposes. None of the petitioners alleged in their affidavits filed in support of their petitions, that they have obtained the necessary permission from the Collector before digging the tanks in their fields, since as per the Board Standing Order No.7(2)(iii)(a), a private individual wishing to draw water for irrigation from a Government source has to obtain permission from the Collector for that purpose. Since water from a Government source can be used only for cultivating the lands with any crop, but cannot be used for filling up the tanks for raising and rearing the fish, permission from the Collector is absolutely necessary for such activity. For that reason and since indiscriminate digging of tanks in agricultural lands would cause ecological problems and would harm the neighbouring lands also, petitioners are not entitled to the relief sought in these petitions.

6. Hence, these petitions are dismissed. No costs.

(C.Y.Somayajulu, J.)

Date: 17-10-2005

Cvrk